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10/725,385	12/03/2003	Yasuaki Inoue	65933-062	5026

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McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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HSU, AMY R

ART UNIT	PAPER NUMBER
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2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/725,385

Applicant(s)

INOUE ET AL.

Examiner

Amy Hsu

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/23/2004, and 12/3/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### ***Claim Objections***

1. Claim 14 is objected to because of the following informalities: the word "storing" should be "stores" in the sentence "...a memory card control unit which transfers and storing an image...". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Negishi et al. (US 2002/0053087).

Regarding Claim 28, Negishi teaches a file server (*Fig. 1 reference number 201*) comprising a communication unit (*Fig. 3 reference number 203 and paragraph 41 Lines 2-4*) and a control unit (*Fig. 3 reference number 202*), the control unit including: a file management unit (*storage device, 205, that stores received image files at specific directories*) which stores an image file when the communication unit receives the image file over a network (*Paragraph 41 Lines 5-10*); and a reproduction processing unit (*controller, 302*) which reproduces the image file for screen display upon reception of the image file (*Paragraph 15 Lines 1-4*).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 13-16, 18, 23, 26, 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Creamer et al. (US 6930709).

Regarding Claims 1 and 16, Creamer teaches a digital camera and a method of controlling the digital camera, comprising: an image pickup block (*Fig. 3 reference numbers 248 and 250*); a mechanism control block which controls the image pickup block mechanically (*Fig. 3 reference number 252 and Col 10 Lines 49-54*); an operation block which inputs a user operation (*Fig. 3 reference number 214 and Col 6 Lines 49-51*); and a processing block (*Fig. 3 processing occurs in the block of area including reference numbers in the area between 250 and 232*) which applies processing to an image (*Fig. 3 reference number 256 within the processing block area and Col 8 Lines*

Art Unit: 2609

13-14) , the processing block including a detecting unit which detects an activation request for the digital camera (*Fig. 3 the processing block includes the microcontroller, 200, and the power supply, 217 which work together to detect requests from the power on button as described in Col 16 Lines 35-38 and will react to the request by activating initialization*), and a communication control unit (*Fig. 3 reference number 200, specifically 202*) which performs processing for establishing a network connection with a file server upon detection of the activation request (*Fig. 6 describes when the on button is activated, initialization occurs in Step S10 which goes to a main function, continued on Fig. 7, which flows to Step 22 transmitting and finally flows to Fig. 9 Step S44, connecting ftp, or establishing a network connection*) .

Regarding Claims 2 and 18, Creamer teaches a digital camera and a method of controlling the digital camera, comprising: an image pickup block; a mechanism control block which controls the image pickup block mechanically; an operation block which inputs a user operation; and a processing block which applies processing to an image, the processing block including a detecting unit which detects an image pickup request (*Col 17 Lines 50-52*), and a communication control unit which performs processing for transmitting an image obtained by image pickup to a file server over a network upon obtainment of the image (*Fig. 7 S22 represents capture or obtainment of the image and flows to Step S23 representing transmitting of the image, which is further described in Fig. 9 Step S46, representing ftp connection*).

Regarding Claims 3 and 23, Creamer teaches a digital camera and a method of controlling the digital camera, comprising: an image pickup block; a mechanism control

Art Unit: 2609

block which controls the image pickup block mechanically; an operation block which inputs a user operation; and a processing block which applies processing to an image, the processing block including a detecting unit which detects an image reproduction request (*the processing block detects a setup request initiated via the serial port, Fig. 3 reference number 210 as described in Col 27 Lines 35-36*), a communication control unit which performs processing which receives an image to be reproduced from a file server over a network (*the network consisting of the camera depicted in Fig. 3, the PC which is reference number 216 of Fig.3, and the serial port*) and when the image reproduction request is detected (*the PC transmits images to the camera and the camera receives the images from the PC as described in Col 27 Lines 35-39*), and a reproduction processing unit which reproduces the image received from the file server (*Fig. 3 reference number 201, the microprocessor and 218, the LCD display, reproduce the image received from 216*).

Regarding Claim 25, the limitations of the Creamer reference described in the paragraphs regarding Claims 1-3 include all the limitations of Claim 25.

Regarding Claim 13, Creamer teaches the digital camera according to claim 1, further comprising a buffer memory (*Fig. 3 reference number 228, the general purpose DRAM*), and wherein the communication control unit performs processing for transmitting an image saved in the buffer memory, if any, to the file server when the network connection with the file server is established in accordance with the activation request (*The content stored in the GP DRAM is compressed images from data directly from the image pickup device as described in Col 11 Lines 32-36. When the camera is*

Art Unit: 2609

*connected to the network, Col 11 Lines 56-58, said compressed images from the DRAM, or buffer memory, is transferred through the connection and stored on the remote file server).*

Regarding Claims 14, 17, and 26, Creamer teaches a digital camera and a method of controlling the digital camera, comprising: an image pickup block; a mechanism control block which controls the image pickup block mechanically; an operation block which inputs a user operation; and a processing block which applies processing to an image, the processing block including a buffer memory for an image to be saved to, a communication control unit (*Fig. 3 reference number 202*), which transmits an image saved in the buffer memory to a file server upon activation of the digital camera when an option slot is loaded with a communication card (*Col 7 Lines 44-48 describe a communication card can be loaded in the PCMCIA slot, reference number 232 on Fig. 3, when the communication card is loaded, the system is capable of transmitting images from the buffer memory across the network as described in the paragraph above regarding claim 13*), and a memory card control unit (*Fig. 3 reference number 202*) which transfers and storing an image saved in the buffer memory into a memory card upon activation of the digital camera when the option slot is loaded with a memory card (*Col 7 Lines 44-48 describe how a memory card can be loaded in the PCMCIA slot, 232, and when this occurs the system has the capability to transfer images from the buffer, 228, to a memory card in 232 as seen by the direction of the arrows in Fig. 3*).

Regarding Claim 15, Creamer teaches the digital camera according to claim 14, wherein at least either one of the communication control unit and the memory card control unit starts processing after an explicit user instruction for image storing is given (*Fig. 16A step S108 represents an explicit user instruction via user input of a button switch, Col 27 Lines 25-20 describes the process after the user inputs an instruction the flow goes to Fig. 7 which starts the transmitting operation to either the memory card or communication card depending on which is loaded*).

**Regarding Claim 27, Creamer teaches the method according to claim 26, wherein the predetermined operation is one of an activation operation and a shooting operation of the digital camera.**

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creamer et al. (US 6930709), and further in view of Kiyokawa (US 6204877).

Regarding Claims 4-6 and 19, Creamer teaches a digital camera and method of controlling the digital camera according to claims 1-3, further comprising: a memory card control unit which controls a memory card when an option slot is loaded with the



Art Unit: 2609

memory card (*Fig. 3 reference number 202 is a controller for the PCMCIA slot, 232, which may be configured to handle communication cards as well as memory cards as described in Col 7 Lines 44-47*). However, Creamer fails to teach a card identification unit. Kiyokawa teaches an image pickup device, which is part of a network connected to other electronic devices, which store files. Kiyokawa teaches a card identification unit (*Fig. 2A reference number 20*) which identifies a card loaded in the option slot (*the system controller checks whether the IC memory card is mounted as described in Col 9 Lines 58-61*), and wherein when the option slot is loaded with a memory card, the memory card control unit performs image storing and read with the memory card as a recording medium (*Col 9 Lines 57-67 and Col 10 Line 1*), and when the option slot is loaded with a communication card, the communication control unit performs image storing and read via the communication card with the file server as a recording medium (*Fig. 9 step S61 when the device checks for the IC card mounted and detects there is no memory card mounted, the next step is S62, transmit image data where the remote file server is the recording medium*) It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the digital camera taught by Creamer, which allows for communication or memory card to be attached to the same slot, to be able to identify which card is in the slot and use the connected card as the recording medium because it would be an efficient way to quickly detect what type of recording medium the user intends to use and utilize it.

Regarding Claim 24, Creamer teaches a method of controlling a digital camera that can be loaded with either a memory card or a communication card. Cream does

Art Unit: 2609

not specifically teach the method of checking for which device is attached. However, Kiyokawa teaches the method of checking a digital camera for the presence or absence of a memory card (*Col 9 Lines 58-61*); designating a storing destination of an image obtained by image pickup depending on the check result; and storing the image obtained by image pickup into the storing destination designated (*Col 9 Line 61 through Col 10 Line 1*). It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the digital camera taught by Creamer, which allows for communication or memory card to be attached to the same slot, to be able to identify which card is in the slot and use the connected card as the recording medium because it would be an efficient way to quickly detect what type of recording medium the user intends to use and utilize it.

7. Claims 7-9, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creamer et al. (US 6930709), and further in view of Qi et al (US 2002/0028672).

8. Regarding Claims 7-9, and 20, Creamer teaches the digital camera and a method of controlling the digital camera according to claims 1-3, further comprising: a buffer memory (*image memory in Fig. 3 reference number 220 and compressed version in general purpose DRAM, 228*); and a buffer processing unit (*Fig. 3 reference number 226 and 204*) which already saves an image to the buffer memory before transmission of the image to the file because the image signal from image pickup device goes first to the buffer memory before being transmitted or saved to other memory. Creamer fails to teach that the buffer processing unit saves an image to the buffer memory when

transmission of the image to the file server fails. However, Qi teaches a network connecting electronic devices and servers, where when there is a connection failure, content is stored temporarily in a designated area, in Qi's case, a database (*Paragraph 55*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught by Creamer which has the capability of storing image data in the buffer memory to store it after a failed attempt at connection because this would ensure the image data is intentionally saved to a designated area specifically after failure of connection, thus ensuring the data will not be lost during the subsequent attempts at connecting.

9. Claims 10-12, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creamer et al. (US 6930709).

10. Regarding Claims 10-12 and 21-22, Creamer teaches the digital camera and method of controlling the digital camera according to claim 1, further comprising: a buffer memory; and a buffer processing unit which reads an image already saved in the buffer memory, if any, when an image obtained by shooting is transmitted to the file server, and wherein the communication control unit transmits the image read by the buffer processing unit and the image obtained by shooting to the file server in a predetermined order including transmitting an image saved in buffer memory in the order before and in the order after the image obtained by image pickup. Creamer teaches the image data directly obtained by image pickup to be stored in the image memory, (*Fig. 3 from 256 to 220*). Creamer teaches the compressed version of this

Art Unit: 2609

data to be stored in a buffer memory, or the general purpose DRAM (*Fig. 3 reference number 228*). Creamer shows in Fig. 3 that both image data from the image pickup and image data in the buffer memory are connected to the parallel bus and can be transmitted (*via Fig. 3 reference number 232*). Creamer does not teach any constraint or further details on the order in which the image data directly from the image pick is transmitted compared with the image data from the buffer memory. It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the teachings of Creamer to specifically transmit the image in the buffer memory before or after transmitting the image from the image pickup because transmitting according to a certain order would optimize the functionality according to the user's preferences.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure including Morimoto (US 6774935), Parulski et al. (US 6812961).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Hsu whose telephone number is 571-270-3012.

The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2609

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy Hsu  
Examiner  
Art Unit 2609

ah

  
**KENT CHANG**  
**PRIMARY EXAMINER**